

Kenneth H. Bridges (SBN 243541)
kbridges@bridgesmav.com

Michael T. Pieja (SBN 250351)
mpieja@bridgesmav.com

Lawrence Lien (SBN 265851)
llien@bridgesmav.com

BRIDGES & MAVRAKAKIS LLP

3000 El Camino Real

One Palo Alto Square, 2nd Floor

Palo Alto, CA 94306

Telephone: (650) 804-7800

Facsimile: (650) 852-9224

James Shimota (*pro hac vice*)

jshimota@bridgesmav.com

Aaron Taggart (SBN 258287)

ataggart@bridgesmav.com

BRIDGES & MAVRAKAKIS LLP

180 N LaSalle, Suite 2215

Chicago, IL 60601

Telephone: (312) 216-1620

Facsimile: (312) 216-1621

John Steele (SBN 122872)

john.steele@johnsteelelaw.com

JOHN STEELE, ATTORNEYS AT LAW

2225 E. Bayshore Rd., Suite 200

Palo Alto, CA 94303

Telephone: (650) 320-7662

ATTORNEYS FOR DEFENDANT
APPLE INC.

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FLATWORLD INTERACTIVES LLC

Plaintiff,

v.

APPLE INC.

Defendant.

Case No. 3:12-01956-JSW (EDL)

DECLARATION OF JEFF RISHER

1 I, Jeff Risher, declare and state as follows:

2 1. I am a Director at Apple Inc., with responsibility for oversight of various litigation
3 matters involving Apple, including this case. The matters referred to in this declaration are based on
4 personal knowledge and if called as a witness I could, and would, testify competently to these
5 matters.

6 2. Below I have identified certain topics I discussed with Apple's outside lawyers, but
7 due to the privileged nature of these communications, I have not disclosed the contents or substance
8 of the communications themselves.

9 3. The law firm of Morgan, Lewis & Bockius LLP ("Morgan Lewis") has represented
10 Apple Inc. since 2003.

11 4. On February 25, 2013 I learned that FlatWorld Interactives LLC ("FlatWorld") had
12 listed a lawyer named John J. McAleese III, a partner at Morgan Lewis, on its privilege log. Mr.
13 McAleese was listed numerous times as sender or recipient of communications with FlatWorld, and
14 these communications were claimed to be subject to the attorney-client privilege. FlatWorld listed
15 Mr. McAleese in a "key" to the persons appearing on the privilege log as an "Attorney at Morgan
16 Lewis & Bockius LLP."

17 5. On February 25, 2013, I sent an attorney-client communication to Scott Garner, a
18 partner at Morgan Lewis, in the form of an email, regarding FlatWorld's claims of privilege over
19 communications with Mr. McAleese.

20 6. I had every expectation that my communication to Morgan Lewis would be treated as
21 a client confidence. Morgan Lewis has had a ten-year attorney-client relationship with Apple, and
22 the subject matter of my email implicated Apple's knowledge, interpretation, concerns and strategy
23 regarding an active litigation. Under such circumstances, I fully expected that Apple's attorneys at
24 Morgan Lewis would treat such a communication confidentially.

25
26 * * *

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct to the best of my knowledge and belief.

3
4
5 Executed on May 7, 2013 at Honolulu, Hawaii.

6
7 /s/ Jeff Risher
8 Jeff Risher
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28